

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BERNARD DOV GELLER,
MICHAEL JAMES LIBERATORE,
ATTIGANAL NARAYANSWAMY SEERAM,
BARRY JAY THALER
AND
ALY EID FATHY

Appeal No. 2002-2083
Application 09/430,642

ORDER VACATING ORAL HEARING AND
ORDER REMANDING TO EXAMINER

The Oral Hearing scheduled for May 6, 2003, at 1:00 p.m.,
1225 Jefferson Davis Highway, Crystal Gateway 2, Arlington, VA
22202, has been vacated without prejudice.

An Information Disclosure Statement (IDS) (Paper No. 21) was
filed on March 4, 2003. This was followed by a Request to
Reschedule Oral Hearing (Paper No. 22) filed on March 27, 2003.

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**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Appeal No. 2002-2083
Application No. 09/420,642

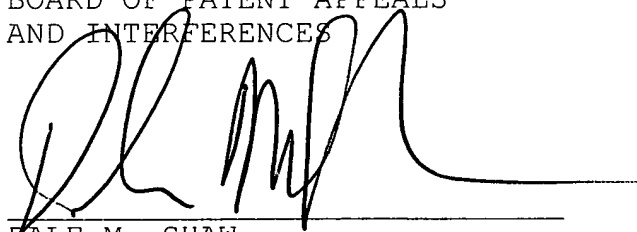
There is no indication in the record that the IDS was considered according to the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying applicants of the Primary Examiner's decision is required. See Manual of Patent Examining Procedure (MPEP) § 609(c) (8th Ed., Aug. 2001).

Accordingly, the Request to Reschedule is dismissed as moot, and it is

ORDERED that the application is remanded to the Examiner for consideration of the IDS (Paper No. 21, filed March 4, 2003), appropriate notification to applicants of the action taken, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

DALE M. SHAW
Program and Resource Administrator
(703) 308-9797

DMS:svt

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Application No. 09/420,642

Birgit E. Morris
16 Indian Head Road
Morristown, NJ 08540